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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,371	02/19/2002	Stuart Todd Rader	06502.0061-01	2760
22852	7590	03/24/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			DINH, DUNG C	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 03/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,371	RADER, STUART TODD	
	Examiner	Art Unit	
	Dung Dinh	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/21/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 18, 20, 21, 23, 24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 18, 20, 21, 23, 24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/21/05 have been fully considered but they are moot in view of a new ground of rejection below.

IDS

The IDS filed 2/19/02 has been considered by the Examiner. The references Schendra Harald "Was its eigentlich Unicode" has not been considered. A copy of this reference is not of record.

Claim Rejections - Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 17-18, 20-21, 23-24, and 26-27 are rejected under the judicially created doctrine of obviousness-type double

Art Unit: 2153

patenting as being unpatentable over claims 1-3, 4-6, 7-9 and 10-12 of U.S. Patent No. 6,370,581. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite essentially the same limitations.

Present Application	Patent 6,370,581
Claim 17 : A method for transmitting in a multi-node network, comprising:	Claim 1: A method for transmitting data in a network comprising a client and a server
storing a fixed-byte format message	receiving a first message ... encoded in a fixed-byte format (<i>receiving inherently involves storing the message</i>)
converting the fix-byte format message into a multibyte format	determining a second message ... by converting each character in the first message ... into a multibyte format
obtaining the actual length of the multibyte format message	obtaining the actual length of the second message in the multibyte format
packaging ... the actual length ... with the multibyte format	transmitting to the server the actual length with the second

Art Unit: 2153

message; and transmitting the packaged information ... to a network node	message in multibyte format. <i>(Transmitting over a network inherently involves packaging.)</i>
in a HTTP request.	(claim 3) ...in an HTTP request

Claim 20 recites a computer-readable medium with instruction for performing functions essentially similar as that of Patent 6,370,581 claims 7+9.

Claim 23 recites a apparatus carrying out functions essentially similar as the apparatus of Patent 6,370,581 claims 4+6.

Claim 26 recites a system carrying out functions essentially similar as the system of Patent 6,370,581 claims 10+12.

Claim 18, 21, 24 and 27 all recite UTF-8 encoding, the same as that of Patent 6,370,581 claims 2, 5, 8 and 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

Art Unit: 2153

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-18, 20-21, 23-24, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yergeau et al.

"Internationalization of the Hypertext Markup Language" RFC-2070 and further in view of Berners-Lee et al. "Hypertext Transfer Protocol -- HTTP/1.0" RFC-1945.

As per claim 17, Yergeau converting multilingual HTML (i.e. message) in fixed-byte format (USC) to multibyte format (UTF-8) for transmission over the Internet (see page 19 last paragraph "UTF-8 [UTF-8] have favorable properties ... especially for transmission of multilingual text"). Yergeau teaches sending the message to a network node in an HTTP request (see page 4 which discloses the usage of HTTP for transmission of HTML over the Internet).

Yergeau does not specifically disclose packaging the actual length of the multibyte format message with the multibyte format message. However, packaging the actual length with the message to be transmitted in an HTTP request is well known in the art. Berners-Lee RFC-1945 discloses details of the HTTP protocol. Berners-Lee discloses that HTTP request that contains an entity

Art Unit: 2153

body (e.g. a message body) must contain a valid Content-Length field (see page 29 section 7.1 & 7.2). The Content-Length is the actual length of the Entity-body (see p.39 section 10.4). Since the HTTP protocol requires the length of the entity-body to be in the request, it would have been obvious for one of ordinary skill in the art to include the length of the multibyte format message in the HTTP request that contains the multibyte format message so as to be in conformance with the protocol's requirement.

As per claim 18, Yergeau teach to use UTF-8 format (page 19 last paragraph).

As per claims 20-21, 23-24, 26-27, they are system, apparatus, and computer readable product corresponding to the method of claims 17-18. Hence, they are rejected under similar rationale as for claims 17-18 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

Art Unit: 2153

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Friday from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

Art Unit: 2153

see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line that extends to the right and then curves back down to the 'D'.

Dung Dinh
Primary Examiner
March 15, 2006